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Girl Child Soldiers: The relevance of gender in preventing and responding to the use of child soldiers

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GIRL CHILD SOLDIERS:
The relevance of gender in preventing and responding to the use of child soldiers

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Introduction

Global reports on the status of children in armed conflict estimate that 250,000 to 300,000 children under the age of 18 actively participate in conflict as child soldiers.[1] Child soldiers currently make up the ranks of at least 57 rebel armies and some government forces around the world.[2] Although statistics about gender within armed forces are difficult to assess, approximately 40 percent of current child soldiers are thought to be girls.[3]

A 2015 report by the United Nations Secretary-General condemned the use of child soldiers in many countries, including Iraq, the Philippines, Nigeria, Yemen, Syrian Arab Republic, Sudan, Somalia, Myanmar, Mali, the Central African Republic, and Afghanistan.[4] The European Commission has confirmed the use of girl soldiers by armed forces in Colombia, the Democratic Republic of the Congo (DRC), East Timor, Pakistan, Sri Lanka, Uganda, and West Africa. However, the Commission concluded that "girls are generally less visible [than boys] and up to now have hardly benefited from demobilization and reintegration programmes for child soldiers."[5]

The dominant image of a child soldier is that of a young boy carrying a gun. This image, as depicted by humanitarian organizations and in the media, is the epitome of the public perception of child soldiers. Boy child soldiers have also been the primary focus of the international community in its attempt to address the harms caused by the use of child soldiers. In light of the public image of a boy child soldier and the traditional notion of war as a male preserve, it is unsurprising that girls' experiences as child soldiers are too often ignored. The invisibility of girl child soldiers persists in the public eye and in the international community, despite indications that young girls are some of the most vulnerable individuals during times of conflict.

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[1] Waltraud Queiser Morales, "Girl child soldiers: The other face of sexual exploitation and gender violence", *Air & Space Power Journal* (20 March 2008), online: <airpower.maxwell.af.mil>.
[2] Report of the Secretary-General to the United Nations General Assembly and Security Council, "Promotion and protection of the rights of children: Children and armed conflict" (5 June 2015), A/69/926-S/2015/409.
[3] Brigit Katz, "Female child soldiers can be victims of abuse, perpetrators of violence", *New York Times* (8 April 2015), online: <nytlive.nytimes.com>.
[4] *Supra* note 2.
[5] Commission of the European Communities, "Children in Emergency and Crisis Situations" (5 February 2008), Brussels, SEC(2008) 135.

At a United Nations Security Council briefing in 2003, the Under-Secretary-General for Peacekeeping Operations reported that "women and girls [suffer] disproportionately during and after war, as existing inequalities [are] magnified, and social networks [break] down, making them more vulnerable to sexual violence and exploitation."[6] As this report demonstrates, when the experiences of girls in conflict zones are considered, they are perceived to be primarily passive and severely victimized, especially through sexual violence.

Although sexual violence forms a significant part of the horrors inflicted on girl soldiers, it would be a mistake to confine our perceptions of girls in war zones to traditional gender stereotypes. By framing girls exclusively as victims of sexual violence, the international community obscures the complexity of girls' experiences in conflict. This paper will explore the experiences of girl child soldiers to demonstrate that while some girls partake in conflict according to traditional gender stereotypes, others defy gender boundaries and take on what are perceived to be masculine roles and responsibilities. I will also address the external circumstances which make girls particularly vulnerable to abduction or recruitment into armed forces, and the unique challenges posed to former girl soldiers post-conflict. Finally, I will explore criticism relating to the failure of the international community to adopt a gender-sensitive approach to address the harms caused to girl child soldiers, and I will make recommendations for future improvement. Only a full recognition of the role of gender in armed conflict and the complexity of girl child soldiers' experiences will allow the international community to seek out and ensure justice and reparation for female victims.

Current Legal Landscape

The use of child soldiers has been acknowledged by the international community as a serious violation of human rights and the rights of children. With respect to girl child soldiers specifically, the 1995 Beijing Declaration and Platform of Action recognized the effects of armed conflict on women and girls as a critical area of concern that should be given priority attention, declaring:

[6] Security Council Press Release, "Women suffer disproportionately during and after war, Security Council told during day-long debate on women, peace and security", *United Nations* (29 October 2003), online: <un.org>.

> "The girl child of today is the woman of tomorrow. The skills, ideas and energy of the girl child are vital for full attainment of the goals of equality, development and peace. For the girl child to develop her full potential she needs to be nurtured in an enabling environment, where her spiritual, intellectual and material needs for survival, protection and development are met and her equal rights safeguarded."[7]

The leading protective international instruments prohibiting the recruitment and use of children as soldiers include the African Charter on the Rights and Welfare of the Child,[8] which set 18 as the age of participation in armed groups; the 1998 Rome Statute of the International Criminal Court (ICC),[9] which defined the use of children under 15 years in conflict as a war crime and a crime against humanity; and Convention 182 of the International Labour Organization,[10] which identified the use of child soldiers under age 18 among the worst forms of child labour. Further protections are found in the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict,[11] which set 18 as the minimum age for participation in armed conflict.

In a landmark case, the ICC recognized the enlistment of children as soldiers as a war crime in the trial of Congolese warlord Thomas Lubanga Dyilo. Accordingly, this case has been hailed as a significant milestone for international criminal law and demonstrates the ability of the ICC to achieve justice for child soldiers. However, the ICC did not pursue charges of sexual violence against Lubanga and his commanders for the rape of girl soldiers. As a result of this failure, many young girls were denied justice for crimes of gender-based violence. Thus the Lubanga case serves to highlight the invisibility of girl child soldiers under international law. The following analysis of the experiences of girls in conflict will further demonstrate the importance of recognizing the role of gender in the fight to end the use of child soldiers around the world.

Factors pre-disposing girls to recruitment or abduction into armed groups

Entry into armed groups

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[7] Article 39 of the Beijing Declaration and Platform for Action (September 1995), The United Nations Fourth World Conference on Women, Beijing, China.
[8] OAU Doc CAB/LEG/24.9/49 (1990), entered into force 29 November 1999.
[9] UN Doc A/CONF.183/9 (1998), entered into force 1 July 2002.
[10] Worst Forms of Child Labour Convention, 1999 (No 182), adoption: Geneva, 87th ILC session (17 June 1999).
[11] A/RES/54/263 (2000), entered into force 12 February 2002.

There are many paths leading to girls' participation in armed conflict, but the majority of girl soldiers are forcibly abducted through extreme violence into the ranks of rebel armies from their homes, schools, and communities. In other cases, families sacrifice girl children to armed groups in exchange for safety, protection, food, or other goods.[12] A 2012 report by Tone Bleie of the University of Tromso found that during Nepal's civil war, when Maoists conscripted "one member per house," some parents offered their daughters to spare "sons whom they considered as their life insurance."[13] Similar events transpired in Kosovo, where one father described giving his 13-year-old daughter to the Kosovo Liberation Army after she was raped. He said, "She can do to the Serbs what they have done to us. She will probably be killed, but that would be for the best. She would have no future anyway after what they did to her."[14] Such reports are particularly troubling because they provide insight into the culture of many communities affected by armed conflict, where pre-existing gender hierarchies imply that men are more valuable than women and that non-virgin women are worthless. This ingrained social order often relegates girl children to the bottom of the hierarchy, placing young girls at increased risk of recruitment or abduction into armed forces.

In addition to forcible abduction, some girls are said to 'voluntarily' join armed groups as child soldiers. These girls may be motivated by ideology, but more often than not girls 'voluntarily' join militias in search of protection from poverty, under the influence of propaganda, or to escape sexual or physical abuse, forced marriages, and state or rebel-inflicted violence.[15] In all cases, it is clear that girl child soldiers are drawn from the poorest, least educated and most marginalized communities in society. For these reasons, the concept of 'voluntariness' in this context bears further analysis. Many young girls who seem to join rebel groups 'voluntarily' have no real choice "and are

[12] In Colombia and Cambodia, for instance, girls are sometimes given to armed groups by their parents as a form of "tax payment." See Dyan Mazurana & Susan McKay, "Child soldiers: What about the girls?" (2001) 57(5) Bulletin of the Atomic Scientists 30-35 at 32.
[13] Tone Bleie, "Post-war moral communities in Somalia and Nepal: Gendered practices of exclusion and inclusion" (2012), Centre for Peace Studies, University of Tromso, at 9.
[14] *Supra* note 12 at 32.
[15] Girls in South and Southeast Asia joined armed groups "to escape domestic servitude, forced marriages and other forms of gender-based discrimination." See Coalition to Stop the Use of Child Soldiers, "Child soldiers: Global report 2004" (2004) at 22.

desperate to escape the violence and abuse around them, enlisting simply to survive."[16] Indeed, "[t]he infrastructure of warring groups may be the only source of food, shelter, and security available to children in war-affected areas. To call their enlistments voluntary is misleading."[17] However, even voluntary enlistment does not protect girls from the mistreatment they were seeking to escape, nor does it protect them from abuse and exploitation within rebel forces.

Girl child soldiers may be valuable to armed groups because of their gender

In 2015, the New York Times reported that it is not uncommon for armed groups and some government forces to actively seek out and systematically recruit underage females.[18] In fact, Dyan Mazurana, Research Director at the Feinstein International Center and Associate Research Professor at The Fletcher School, argues that girls are the backbone of many rebel forces.[19]

The value of girls in conflict is clearly demonstrated by the practice in armed groups of treating girls as sexual property to be distributed as 'rewards' to commanders and other well-performing soldiers. In addition to the practice of rewarding good soldiers with young girls as sexual slaves or forced 'wives,' there are other more nuanced reasons why armed groups might target young girls to join their ranks. These reasons are rooted in traditional stereotypes about gender. For instance, armed forces are more likely to perceive girls to be passive, compliant, and submissive to men. Young girls in particular are selected because "their moral codes are unformed and readily manipulated" through indoctrination,[20] and they are likely to be seen as more obedient, vulnerable, and malleable. Older girls are also valued, as they can be made to capture and recruit younger girls.

Miryam Denov of McGill University studied the gender-based recruitment of child soldiers in conflict zones in Africa. Denov found that girls are often particularly valued by armed groups because "they are perceived as highly obedient and easily manipulated, they can swell the ranks if

[16] *Supra* note 1.
[17] *Supra* note 12 at 32.
[18] *Supra* note 3.
[19] Susannah Price, "Use of girl soldiers condemned", *BBC News* (4 March 2004), online: <news.bbc.co.uk>.
[20] *Supra* note 1.

there is a shortage of adults, and ensure a constant pool of forced and compliant labor."[21] Further, girls are unpaid fighters, they can be fed less, and they can perform essential support functions for armed groups to "free up more seasoned, adult male warriors. Consequently, girls soldiers… have become disposable cannon fodder in the front lines of Third World armies..."[22]

Compliance is not the only reason girls are targeted for recruitment or abduction. Girl child soldiers are often highly valued because of their versatility. Girls can be used as combatants, spies, domestics, sex slaves, porters or "bush wives." Girls are less likely to be suspected of belonging to armed groups, and they are less likely to be searched at checkpoints. A former girl soldier of the Revolutionary Armed Forces of Colombia (FARC) noted the FARC's desire to recruit girls "because no one suspects a little girl. A little girl can transport money, weapons, drugs much more easily."[23]

The perception of young girls as 'innocent' relates to yet another reason why girl soldiers are highly valued militarily: their perceived connection to the supernatural world. Milfrid Tonheim of the University of Bergen explored this phenomenon in the Eastern Congo, and discovered that the local militia has "a perception that children are purer and [have] magical protective powers."[24] For this reason, young girls are often used as bodyguards for high-ranking soldiers and commanders.

In addition to serving as living shields, girl soldiers are commonly used to carry out bombing missions. In Sri Lanka, for example, young girls are chosen as suicide bombers "because of their small stature and gender – who would suspect a little girl of carrying a bomb under her dress? Explosives are also fitted around the waists of older girls, giving the appearance of pregnancy and supposedly averting suspicion en route to bombing missions."[25]

Finally, the value of girl child soldiers to rebel groups is demonstrated in the categorical refusal of these groups to surrender their girls. In a backwards twist of reasoning, the Liberation

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[21] Myriam Denov, "Girls in fighting forces: Moving beyond victimhood" (2007) McGill University School of Social Work, at 4.
[22] *Supra* note 1.
[23] Tom Esslemont, "The child soldiers who escaped Colombia's guerrilla groups", *BBC News* (13 November 2013), online: <bbc.com>.
[24] Rannveig Svendby, "Invisible child soldiers", *ScienceNordic* (6 June 2012), online: <sciencenordic.com>.
[25] *Supra* note 12 at 35.

Tigers of Tamil Eelaam (LTTE) has claimed that recruiting, training, and maintaining girl child soldiers in its ranks is its way of "assisting women's liberation and counteracting the oppressive traditionalism of the present system."[26] As will be discussed in the next section, the value of girl child soldiers to rebel groups has significant implications for the girls' experiences during conflict. Further, in the battle to end the use of child soldiers, the international community must explore whether there is any truth to the LTTE's statement, in the sense that gender parity is sometimes reported to be better for young girls in the bush than in their local communities.

The experiences of girl child soldiers during conflict

Sexual abuse

Sexual abuse of girl child soldiers within armed groups is geographically widespread and severely under-reported, due to the stigma associated with rape. Statistics from West Africa indicate that at least 32 percent of girl child soldiers have been raped, but the actual number is likely much higher.[27] Despite the frequency of abuse, girl soldiers' experiences with sexual violence can differ depending on the militia. For instance, armed groups in Sri Lanka and the Philippines consider "intimate relations between men and young women [to be] forbidden without the approval of the woman/girl and the commander of the armed group."[28] This attitude towards girls and sex is drastically different from the treatment of girl soldiers in Angola and Colombia, where the sexual abuse of child soldiers is egregious.

Dyan Mazurana found that the vast majority of girl child soldiers in northern Uganda, Sri Lanka, and Colombia were sexually assaulted.[29] Mazurana reported very high rates of sexually transmitted diseases amongst girl soldiers, and wrote that "because of their gender and reproductive status, many young girls' experiences [as child soldiers] are distinct from those of boys."[30] In

[26] Coalition to Stop the Use of Child Soldiers, "Girls with guns: An agenda on child soldiers for Beijing Plus Five."
[27] *Supra* note 1.
[28] *Ibid*.
[29] *Supra* note 19.
[30] *Supra* note 12 at 34.

addition to the psychological trauma inflicted on girl child soldiers who are subjected to forced sex, girls also experience devastating physical health consequences, including serious reproductive health problems.[31] As victims of rape, girl soldiers often contract syphilis, gonorrhea, or HIV. In Sierra Leone, between 70-90 percent of rape survivors tested positive for sexually transmitted diseases.[32] Girl child soldiers are especially at risk for contracting sexually transmitted diseases because of repeated incidents of sexual violence.

In addition to sexually transmitted diseases, many girl soldiers who are raped become pregnant. Mazurana's work determined that approximately 30 percent of girls become pregnant during captivity and return home as mothers.[33] Pregnancy brings many added challenges for girl soldiers, including abortion, birth, and caring for children during conflict and post-conflict. Many girl soldiers who become pregnant are forced to fight during pregnancy or even with small children, and many other girls die during childbirth.[34] Examples of horrific birthing practices reported by child soldiers in Sierra Leone include attempts to induce labour by jumping on pregnant girls' stomachs and inserting objects into their vaginas, or tying their legs together to delay birth.[35] This level of mistreatment of girl soldiers leaves lasting psychological scars, but can also exacerbate "normal female health problems associated with pregnancy, childbirth, and child-rearing. Babies often die because their mothers are unable to obtain adequate health care during and after pregnancy… malnourished, tired, or untrained new mothers undoubtedly find it difficult to nourish and sustain their babies while at the same time being associated with fighting forces."[36]

While some armed groups, such the FARC in Colombia, are known to inject girls with contraceptives or fit them with intra-uterine devices to prevent pregnancy, others encourage girls to abort their pregnancies, and still other rebel groups allow young girls to carry their children to term

[31] In a hospital in Uganda, girl child soldiers who had been repeatedly raped suffered infection, uterine deformation, vaginal sores, menstrual complications, premature births, stillbirths, sterility, and death. *Ibid* at 34.
[32] *Ibid* at 34.
[33] *Supra* note 19.
[34] In Sierra Leone, the babies of girl child soldiers were drugged to sleep and carried into battle. *Supra* note 12 at 34.
[35] *Ibid* at 34.
[36] In a Sierra Leone hospital, 20-50 percent of girl soldiers' babies were dying from illness and malnourishment. *Ibid*.

in order to use the children as the next generation of fighters. For instance, rebel forces in Cambodia and El Salvador give girl soldiers' babies to peasants in local communities, who go on to raise the children "until they reach fighting age, when the forces reclaim them."[37]

Roles do not always align with gender stereotypes

In some rebel groups, girls are enlisted into active combat as front-line fighters, just like their male counterparts. The FARC, for example, is known for treating its female and male soldiers equally.[38] As a result, gender is not always a predictor of roles. In fact, in Liberia and Uganda gender stereotypes have been reversed – girl soldiers were enlisted as combatants and boy soldiers were sexually abused.[39] As active fighters, girl soldiers may have the ability to ascend the ranks to take on positions of leadership. This gives girls the opportunity to obtain considerable power and influence that they could never have achieved in their civilian lives. Girls served as captains, lieutenants, and corporals in the Lord's Resistance Army of Uganda, and at least one girl soldier was promoted to the rank of commander in the Revolutionary United Front of Sierra Leone.[40] Tone Bleie found that girl soldiers in Nepal "developed a new sense of pride and dignity due to personal sacrifices, military courage, feats in the battlefield and prospects of promotion in the ranks."[41] Due to their gender and the status of girl child soldiers in their local communities, girls could never have hoped to acquire such power outside of the rebel groups in a traditional, patriarchal society. The notion that there may be greater gender equality within rebel forces as compared to local communities has serious implications for the reintegration of girl soldiers into civilian life.

The challenges posed to former girl child soldiers during reintegration

Difficulty readjusting to civilian life: Is there more gender balance in the bush?

[37] *Ibid* at 34.
[38] *Supra* note 3.
[39] *Supra* note 12 at 33.
[40] This promotion was deemed to be "a pinnacle of success." *Supra* note 3.
[41] *Supra* note 13 at 10.

It is apparent that gender is perceived differently within armed groups as compared to civilian society for both women and men. For instance, some male combatants who took on traditionally female roles such as cooking and childcare during Nepal's civil war "no longer feel that these are appropriate roles for men outside of the [People's Liberation Army]."[42] Similarly, girls may be perceived as having crossed the gender divide by participating as soldiers at war, which is traditionally considered a male preserve, during which time they dressed and behaved counter to the feminine ideal. In certain communities these girls are said to have lost their femininity. As a result, former girl soldiers may be considered unsuitable for marriage, and many former male soldiers divorce their fighter wives in favour of marrying civilian women.[43]

Most girl soldiers struggle to navigate re-entry into civilian lifestyles, especially after experiencing greater gender equality within rebel groups. In some cases, girls may have been drawn to rebel forces in search of power and equality. Girls were reportedly attracted to the Eritrean People's Liberation Front because of its gender equality ideals. Girls' experiences of better equality in the bush as compared to their local villages led some former girl child soldiers to characterize their experience during "the years of war as preferable to the time that came afterwards… They had felt respected, equal and empowered but this was all lost after the war when women were pushed towards traditional gender roles."[44]

Desmond Molloy, a scholar at the International Research Group on Reintegration, studied the challenging reintegration process for these girls who, in the wake of Nepal's 2006 ceasefire, were returned "to [the] very low position of women in traditional Nepalese feudal society."[45] Girl soldiers in Colombia, who fought as equals to their male counterparts, faced similar challenges. One report found that "belonging to an illegal armed group [gave some girls] a sense of power and control that they may not otherwise experience living in a relatively conservative, 'machista' [chauvinist]

[42] IRIN: The Inside Story on Emergencies, "Girl child soldiers face new battles in civilian life" (12 February 2013) Johannesburg, online: <irinnews.org>.
[43] Chris Coulter, Mariam Persson, & Mats Utas, "Young female fighters in African wars: Conflict and its consequences" (2008), Nordiska Afrikainstitutet, Uppsala at 29.
[44] *Ibid* at 29.
[45] *Supra* note 42.

society."[46] Unlike boys, former girl soldiers are not hailed as "warriors," and they face an acute loss of power upon their return to civilian lives. To successfully address the causes and consequences of girl child soldiering, the international community must confront "the uncomfortable reality that some conflicts may actually fast-track gender emancipation"[47] by providing "girls with equal footing in society in a way that civilian life does not."[48] Recognition of the role of gender in the crisis of child soldiering provides an opportunity to validate and seek justice under international law for the experiences of girl child soldiers in conflict.

Extended length of time in captivity

The length of captivity for child soldiers usually differs between the sexes. In Uganda, for instance, the average internment period for girls is six to seven years. For boys, captivity is typically about three years.[49] This creates significant problems for girls upon reintegration into their communities post-conflict. Often girl soldiers have missed out on key developmental years in their lives and are illiterate from missed schooling. Due to their extended length of time in captivity, girls' need for reparation and support during reintegration may be higher than that required for boys.

Cultural challenges of returning home

Upon return to their families and communities, girl child soldiers are often rejected, excluded and harassed. Girl soldiers may be considered to be dangerous killers, or stigmatized as HIV carriers. If girls escaped from captivity, their families may be concerned that they are spies, or that the armed groups will seek retaliation for the escape. But the girls who face the most difficulty during reintegration are those who were sexually abused as child soldiers, and those who return home pregnant or with 'fatherless' children. Even when they are freed from rebel groups, girl soldiers can never escape the stigma associated with being raped. Many girl soldiers are stigmatized by society

[46] Virgina Thomas, "Overcoming lost childhoods: Lessons learned from the rehabilitation and reintegration of former child soldiers in Colombia" (2008), Y Care International at 24.
[47] *Supra* note 42.
[48] Amy S Choi, "Nearly half of child soldiers are girls", *Salon* (21 February 2013), online: <salon.com>.
[49] *Supra* note 42.

for engaging in 'promiscuous' sexual activity within the rebel groups, even if it was forced. As a consequence of pre-existing notions about gender and gender stereotypes, former girl soldiers are perceived to be "responsible for their own disgrace,"[50] and ostracized "because of their association with rebel groups and the 'taint' of having been raped."[51] Milfrid Tonheim notes:

> "[Even if girls were forcibly abducted into the ranks of an armed group], they are not given the status of victim by the local population. Many believe that they actually wanted to be together with the soldiers who kidnapped them. They are seen as accomplices in the rapes they were a victim of. Pregnancy and the baby are thus visible proof that the girls have behaved counter to the female ideal… [These girls] are at the bottom rung of the ladder and are openly insulted."[52]

Local communities hold many prejudices towards former girl soldiers, and the girls' problems are compounded by the stigma associated with lost virginity. Girls who have been raped or return home with "rebel babies" are considered to have dishonoured their families, and they face the highest rates of rejection and stigmatization. Unfortunately, it is not only girl soldiers who are ostracized by their communities. The stigma extends to the children of girl child soldiers, who are themselves stigmatized and rejected, "but also constitute yet another reason to mock and stigmatize their mothers."[53] Grace Akallo, a former child soldier in Uganda, explained the specific challenges posed to girls upon reintegration, and particularly those girls who return with children:

> "The boy child soldier can go back to school, train and develop life skills but for a girl, for her to go back to school and try and acquire life skills they have to think of their children, arrange babysitting or stay at home… With boys, people can forget that they used to be soldiers, but the girl soldier walks with a child, which makes her past unforgettable. The stigma stays with her."[54]

It is necessary for the international community to understand this aspect of reintegration for girl child soldiers, not only because it differs from the experiences of boys, but also because at least 30 percent of girls become pregnant while they are held in rebel groups.[55]

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[50] Donny Meertens, "Victims and survivors of war in Colombia: Three views of gender relations" in Charles W Bergquist et al, *Violence in Colombia, 1990-2000: Waging war and negotiating peace* at 165.
[51] United Nations Department of Public Information, "The suffering of the girl soldier", *Ten Stories the World Should Hear More About* (2007), online: <un.org>.
[52] *Supra* note 24.
[53] The children of girl soldiers are perceived as an extra financial burden to the family. *Supra* note 3.
[54] Isabelle de Grave, "Former girl soldiers trade one nightmare for another" (14 June 2012), online: <ipsnews.net>.
[55] Cesar Chelala, "The forgotten plight of the girl combat soldier" (16 November 2013), online: <dailynewsegypt.com>.

Critique of the current international response to the crisis of girl child soldiers

International Criminal Court

Matthew Brotmann, Adjunct Professor at Pace Law School, criticizes international law for "dramatically exclud[ing]" female soldiers, arguing that "[w]e cannot treat all victims the same regardless of gender."[56] As demonstrated in the trial of Lubanga, international law has yet to successfully address the harms caused to girl child soldiers.

In *Prosecutor v Lubanga*, gender-based crimes of sexual violence and rape by Thomas Lubanga Dyilo and his commanders in the Union of Congolese Patriots in the DRC were omitted from the trial, and neither Lubanga nor his commanders were held to account for the horrific sexual abuses they committed against young girls. In her comments on the case, Ugoji Adanma, founder of the Eng Aja Eze Foundation, argued that "[t]he incidence of the female child soldier was not really taken into consideration. It was noted, but why did the prosecutors not tender the evidence of core witnesses as to the sexual violence against females? That is my concern."[57] As girls make up the majority of victims of sexual violence, this trial clearly demonstrates the failure of international law to adequately address the highly gendered harms caused to girl child soldiers. The heavy consequence of such a failure is the denial of justice and reparation to many young girls.

Unfortunately, the failure to account for gender is not limited to the first trial of the ICC, but plagues many international instruments and responses to the crisis of child soldiers. A 2012 article characterizes the problem: "Due to the roles that girls play [as child soldiers], they are rendered almost invisible, under the radar of international law and disarmament initiatives."[58]

"Disarmament, Demobilization, and Reintegration"

All combatants struggle to resume a civilian lifestyle upon return from armed conflict, but girls may face additional challenges because of their gender. Many child soldiers have been aided

[56] *Supra* note 54.
[57] The Eng Aja Eze Foundation helps women and girls emerging from conflict. *Ibid*.
[58] *Ibid*.

through "Disarmament, Demobilization, and Reintegration" (DDR) programs which are carried out by international organizations like the United Nations. These programs are captured under the broad umbrella of international law because states are obligated by Article 39 of the Convention on the Rights of the Child to promote the physical and psychological healing of child soldiers.[59] Unfortunately, DDR programs lack a gender sensitive approach to child soldiering and are still ill-equipped to address the complex social, psychological, and medical needs of girl child soldiers.

A primary critique of DDR programs highlights the invisibility of girl soldiers to the international community, because the number of girls participating in DDR is extremely low. Although girls represent approximately 40 percent of child soldiers in conflicts around the world, the number of girls enrolling in DDR programs is less than 5 percent.[60] There are three possible explanations for this problem. First, DDR focuses on disarmament and the needs of male soldiers, often failing to respond to the varied experiences of girl soldiers. Second, DDR programs are consistently tailored to gender stereotypes. Third, many girls actively avoid enrolling in DDR because it may "confirm a past that imperils their future."[61] Fearing stigma and rejection from their communities, girl soldiers often conceal their association with rebel forces. According to Richard Clarke, "[i]n contexts of entrenched gender discrimination, and in situations where a girl's 'value' is defined in terms of her purity and marriageability, the stigma attached to involvement in sexual activity, whether real or imputed, can result in exclusion and acute impoverishment.'"[62]

With respect to a focus on disarmament and male soldiers, DDR tends to concentrate resources on 'disarmament' and the number of weapons decommissioned. In light of the vastly different ways that girl child soldiers participate in armed conflict, many of which do not allow for or require the carrying of arms, disarmament does not always meet the needs of former girl soldiers. Dyan Mazurana and Susan McKay characterized this problem as follows:

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[59] *Supra* note 11, Article 39.
[60] *Supra* note 42.
[61] *Ibid*.
[62] *Ibid*.

> "Because girls typically perform multiple duties, to categorize them as acting within a single role (as either soldiers or sexual servants, for example) is inaccurate and has numerous policy implications. Constrained notions of girls' roles may contribute to girls being overlooked for post-conflict demobilization and rehabilitation programs. Male fighters are the nearly exclusive priority for most disarmament, demobilization, and reintegration programs – significantly marginalizing girls."[63]

As Mazurana and McKay allude to, the assumptions and expectations about girls' roles in conflict underlying DDR programs and influencing the responses of aid workers may negatively affect the reintegration process for former girl child soldiers, resulting "in tens of thousands of girls being literally 'invisible' to DDR."[64] Philip Lancaster, former head of the DDR division for the UN Organization Stabilization Mission in the DRC, agreed: "Boys with guns are easier to see and easier to fear… [DDR programs often] ignore girls on the assumption that they don't present the same threat."[65] For this reason and because of the versatility of roles taken up by girls in armed conflict, Lancaster cautions against designing categories in DDR programs based on a narrow definition of the notion of combat. Still, DDR programs specifically targeted to address the need of girl child soldiers are rare, and many researchers are critical of their content. Milfrid Tonheim noted that many of these programs frame "a successful reintegration for a girl [as] synonymous with getting married. The girls in the target group have experienced one terrible abuse after another at the hands of men. In this case, it it totally wrong to present them with a plan which assumes that as long as they get a husband, everything will be alright."[66] A 2013 article also reported on the tendency of girl-focused structures to focus on reintegrating "girls into gendered roles in traditional societies without addressing their histories – traumatic, violent, and in some ways, as equal to men."[67]

Recommendations for the future

Key role of the international community in recognizing and addressing gender discrimination

[63] *Supra* note 12 at 33.
[64] *Supra* note 42.
[65] *Ibid*.
[66] *Supra* note 24.
[67] *Supra* note 48.

A fundamental problem plaguing international efforts to aid girl soldiers is gender discrimination. According to a 2005 report, girls "face discrimination on a daily basis – from their fellow soldiers, commanders, fellow citizens, governments – and perhaps most shocking of all – from the international community."[68] In order to successfully address the plight of girl child soldiers, the international community must recognize the gender bias pervading international organizations and current DDR programming to confront misconceptions regarding the roles of girls in conflict. One specific path forward is through the ICC. Although the trial of Lubanga marked a failure of the international community to apply a gender sensitive lens to addressing the use of child soldiers, the ICC provides a forum through which justice for crimes of gender-based violence can be actively pursued in future trials. The admission of evidence of sexual violence in conflict and a precedent-setting case will prevent international law from continuing to ignore the gender-specific experiences of girl child soldiers. In addition to protecting against the further invisibility of these girls under the law, such a result from the ICC will promote the value of the girl child in society, provide justice and reparation to female victims, and deter generalized violence against women and girls.

A further necessary step to address the needs of girl child soldiers is to modify the international response to the crisis of girl soldiers, to take into account their participation in armed groups and their unique post-conflict predicaments. Dyan Mazurana and Susan McKay argue that girl soldiers must be an immediate focus of the international community because "girls are the mothers and caregivers for future generations," and their health "has a critical impact on the overall health of a nation and its population."[69]

For international efforts on behalf of girl child soldiers to succeed, an important consideration is to account for the needs and perspectives of these girls. Many researchers have interviewed former girl child soldiers, and the girls themselves have identified "key ways that the international community could help further their reintegration into their communities: mediation and

[68] Matt Hobson, "Forgotten casualties of war: Girls in armed conflict" (2005), Save the Children at 1.
[69] *Supra* note 12 at 35.

emotional support; assistance in education, training and employment; and medical care to treat sexually transmitted diseases and promote reproductive health."[70] Milfrid Tonheim's research in particular notes that many former girl soldiers wish to become financially independent:

> "[Girl soldiers] want help to learn a trade so they can provide for themselves and their children because they understand that independence is the key to a better life. They want to contribute to society in order to counteract all of the prejudices and to become attractive as women again by showing that they have their lives in order."[71]

With financial independence comes freedom, and a real opportunity for girl soldiers who face rejection from their families and communities to support themselves and their children. It is important to note that although the ICC offers a forum through which some former girl soldiers can obtain justice, other girls are simply seeking to move forward with their lives. By listening to the voices of former girl soldiers, the international community can provide reparation at the local level for some of the harms caused to girls in armed conflict.

Conclusion

Although all child soldiers have unique experiences within an armed group, there are important considerations relating to gender that should influence efforts to prevent and address the harms caused by the use of girl child soldiers. These considerations have not been sufficiently acknowledged by the international community in the fight to end the use of child soldiers in armed conflicts around the world. To make real headway in this fight, it is vital to understand and acknowledge that gender plays an important role in determining the experiences of girl child soldiers in war zones. It must be further recognized that gender is one factor predisposing young girls to become easy targets for recruitment or abduction into armed groups, and that pervasive gender stereotypes create additional difficulties for former girl soldiers attempting to reintegrate into civilian life. A full recognition of the challenges faced by girl child soldiers as a result of their gender is a necessary foundation upon which to design preventative programs and support networks, to

[70] *Supra* note 1.
[71] *Supra* note 24.

improve DDR programs, and to hold perpetrators accountable for gender-based crimes at the ICC. At present, the majority of these programs seek to address the harms caused to child soldiers as a homogenous group, with the troubling consequence that girl child soldiers and their scars remain invisible to the international community.

Milfrid Tonheim argues that the entire international community is responsible for the abuse of girl child soldiers.[72] But this failure is only one part of a much broader conversation about gender. Although it is necessary to improve DDR programs and devise support networks to incorporate the specific needs of girl soldiers, we must also look more closely at the social constructs giving rise to the challenges posed to girls in conflict. One clear example is found in the response of communities to girls who have been raped, who are perceived to be 'soiled' and stigmatized as responsible for their own disgrace. This reaction is not unique to girl child soldiers – blaming female victims following rape is common in many societies around the world. Also common is the crisis of sexual violence perpetrated by men against women. To help girls in conflict, the international community needs to respond not only to the direct challenge of preventing the use of children in conflict, but also to the pervasive problem of gender-based violence.

A related battle for the international community is reflected in the discussion of gender parity in the bush. To properly aid girls in conflict, there must be a concerted effort to enhance gender equality worldwide. One marker of progress in this area will be when young girls no longer feel they are treated more equally to their male counterparts in rebel armies than within their families and in their local communities. Tonheim has identified one important benefit of promoting gender equality and raising girls up in societies across the globe. Tonheim argues that one reason girls have been neglected in international efforts to combat the use of child soldiers is because men dominate positions of leadership in the action groups working to counter the use of child soldiers, particularly at the local levels.[73] As a result, there is a need for greater involvement of women to end the use of

[72] *Ibid*.
[73] *Ibid*.

child soldiers. A recent development in this area was the appointment of Fatou Bensouda as the Prosecutor for the ICC, who promised that "children, including girls, will not be invisible."[74] Despite the Prosecutor's promise, the use of child soldiers, including girls, continues unabated. The international community must recognize its failure to adequately address the harms caused to girl child soldiers, as well as the need to incorporate a gender-based analysis into future attempts to end child soldiering. Not only will progress in this area bring justice to girls, but it will also contribute to reducing gender-based violence and improving equality in communities around the world.

[74] Fatou Bensouda, Keynote Speech before the Eng Aja Eze Foundation in New York: "The Incidence of the Female Child Soldier and the International Criminal Court" (4 June 2012).